



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,029	03/26/2004	Brian R. Cartmell		9807

7590 02/09/2007  
John P. Luther, Esq.  
Newman & Newman, LLP  
Suite 610  
505 Fifth Avenue South  
Seattle, WA 98104

EXAMINER
----------

PORTIS, SHANTELL L

ART UNIT	PAPER NUMBER
----------	--------------

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/811,029	CARTMELL, BRIAN R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shantell Portis	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/26/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., The applicant claims a system for use of location-based information for the purpose of encoding or encrypting **other information**.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. Applicant's arguments filed November 16, 2006 have been fully considered but they are not persuasive. The applicant argues that **Duckeck does not disclose transmission of any information**. Duckeck discloses decoded traffic messages in addition to other information that are sent to the receiver 2 from the navigational device 1 by means of location coordinate pairs that are assigned to location specifications in a first and second location database. This information is encoded and decoded and output on the receiver by means of display 11 (Col. 3, lines 1-13 and Col. 3, lines 38-43). Based on the above remarks, Duckeck taken alone meets the limitations of the invention as presently claimed. The rejections are set forth below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2617

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-13, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Duceck, U.S. Patent No. 6,338,019.

Regarding Claims 9 and 10, Duceck discloses a method of transmitting information (traffic messages), comprising: encoding information based on location data, the location data having corresponding location/coordinate pair data that associates the location data with the information in a remotely-accessible database (first location database) of information (Col. 3, lines 1-13 and lines 40-43); and transmitting the encoded information to a remote device having a similar location/coordinate pair data and having access to the remotely-accessible database (second location database) of information such that the remote device can decode the encoded information with reference to the similar location/coordinate pair data and the remotely-accessible database of information (Col. 3, lines 1-13 and lines 40-43); and where the remotely accessible database of information is pre-existing in the environment.

Regarding Claim 11, Duceck discloses a method of encoding, transmitting, and decoding information comprising: identifying a content reservoir from accessible content reservoirs in the environment (navigational device contains a first location database); utilizing an information transcription protocol to encode the information into location/coordinate paired information, which location/coordinate paired information corresponds to at least part of the content reservoir; transmitting the location/coordinate paired information to a remote device (receiver); receiving the location/coordinate paired information at the remote device; decoding the location/coordinate paired information

into the information (decoded traffic messages) by identifying at the remote device the part and/or parts of the identified content reservoir which correspond to the location/coordinate paired information (see rejections for claims 9 and 10).

Regarding Claim 12, Duckeck discloses the method wherein the location/coordinate paired information identifies the content reservoir as well as the location(s) within the content reservoir which correspond to the information being encoded (the location coordinate pairs are assigned to location specifications; Col. 2, lines 54-67 and Col. 3, lines 1-13).

Regarding Claim 13, Duckeck discloses the method wherein the location/coordinate paired information identifies the content reservoir as well as the temporal and logical location(s) within the content reservoir which correspond to the information which is to be transmitted (the location coordinate pairs are assigned to location specifications; Col. 2, lines 54-67 and Col. 3, lines 1-13).

Regarding Claim 16, Duckeck discloses the method wherein the content reservoir is selected to provide compression in addition to encoding of the information (Col. 3, lines 1-13 and Col. 3, lines 38-43).

Regarding Claim 17, Duckeck discloses the method wherein the content reservoir is selected to provide encryption in addition to encoding of the information (Col. 3, lines 1-13 and Col. 3, lines 38-43).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duceck in view of applicant's admitted prior art (APA).

Regarding Claim 14, Duceck discloses the method according to claim 11 as described above.

Duckeck fails to disclose wherein the content reservoir is accessible through the Internet.

According to page 2, 1<sup>st</sup> paragraph of the applicant's submitted specification, the applicant admits that an information providing apparatus dispatches information to a receiving apparatus through or by dedicated transmission paths which such transmission paths have been enabled through internet means.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to provide a means for conveniently communicating information.

Regarding Claim 15, Duckeck discloses the method according to claim 11 as described above.

Duckeck fails to disclose wherein the content reservoir is accessible through a radio, television, mobile, and/or cordless phone wireless transmission.

According to page 2, 1<sup>st</sup> paragraph of the applicant's submitted specification, the applicant admits that an information providing apparatus dispatches information to a receiving apparatus through or by dedicated transmission paths which such transmission paths have been enabled through radio or television signals.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to provide a means for conveniently communicating information.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agnew et al., U.S. Patent No. 6,950,745 discloses a navigation system.

Mannings et al., U.S. Patent No. 6,111,539 discloses a navigation information system.


Walters et al., U.S. Patent No. 6,816,782 discloses an apparatus, systems and methods for navigation data transfer between portable devices.

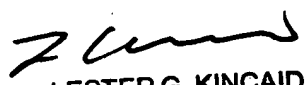
Walters et al., U.S. Patent No. 6,768,450 discloses a system and method for wirelessly linking a GPS device and a portable electronic device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER